

Executive Summary – Enforcement Matter – Case No. 41675
Valero Refining-Texas, L.P.
RN100219310
Docket No. 2011-0781-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Refining Houston Refinery, 9701 Manchester Street, Houston, Harris County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2010-0909-MLM-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 30, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$26,880

Amount Deferred for Expedited Settlement: \$5,376

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$21,504

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Poor

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Valero Refining-Texas, L.P.
RN100219310
Docket No. 2011-0781-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 8, 2011

Date(s) of NOE(s): April 29, 2011

Violation Information

Failed to stack test seven units for initial demonstration of compliance with 30 TEX. ADMIN. CODE ch. 117 before the deadline of March 31, 2007. The following units were not stack tested: the A Unifier Rx Furnace, C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump Engine (Emission Point Nos. ("EPNs") 28BA1200, 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively) [30 TEX. ADMIN. CODE §§ 117.335(e) and 117.9020(2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by March 25, 2011, the Respondent stack tested the following units at the Plant: the C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump engine (EPNs 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively).

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, perform the required stack test on the A Unifier Rx Furnace, EPN 28BA1200;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
- c. Within 60 days, submit the compliance stack test report that includes the information required in 30 TEX. ADMIN. CODE § 117.8010 for the A Unifier Rx Furnace;
- d. Within 75 days, submit written certification of compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Valero Refining-Texas, L.P.
RN100219310
Docket No. 2011-0781-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miriam Hall, Enforcement Division,
Enforcement Team 4, MC 169, (512) 239-1044; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Mark Skobel, Vice President & General Manager, Valero Refining-Texas,
L.P., P.O. Box 5038, Houston, Texas 77262

Chris Abshire, Manager of Environmental Engineering, Valero Refining-Texas, L.P.,
P.O. Box 5038, Houston, Texas 77262

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-May-2011	Screening	19-May-2011	EPA Due	24-Jan-2012
	PCW	25-May-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Valero Refining-Texas, L.P.
Reg. Ent. Ref. No.	RN100219310
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41675	No. of Violations	1
Docket No.	2011-0781-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$7,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 234.0% Enhancement **Subtotals 2, 3, & 7** \$16,380

Notes: Enhancement for nine NOVs with dissimilar violations, six agreed orders with denial of liability, and four agreed orders without a denial of liability. Reduction for four Notices of Intent to conduct an audit.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 50.0% Enhancement* **Subtotal 6** \$3,500

Total EB Amounts \$20,214
Approx. Cost of Compliance \$85,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$26,880

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$26,880

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$26,880

DEFERRAL 20.0% Reduction **Adjustment** -\$5,376

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$21,504

Screening Date 19-May-2011

Docket No. 2011-0781-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41675

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 234%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for nine NOVs with dissimilar violations, six agreed orders with denial of liability, and four agreed orders without a denial of liability. Reduction for four Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 234%

Screening Date 19-May-2011

Docket No. 2011-0781-AIR-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 2 (September 2002)

Case ID No. 41675

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219310

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 117.335(e) and 117.9020(2)(C)(i) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to stack test seven units for initial demonstration of compliance with 30 Tex. Admin. Code ch. 117 before the deadline of March 31, 2007. The following units were not stack tested: the A Unifier Rx Furnace, C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump Engine (Emission Point Nos. 28BA1200, 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants which would not have exceeded levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

1510 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,000

Seven single events are recommended (one single event per unit).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20,214

Violation Final Penalty Total \$26,880

This violation Final Assessed Penalty (adjusted for limits) \$26,880

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 41675
Reg. Ent. Reference No. RN100219310
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$85,000	31-Mar-2007	31-Dec-2011	4.76	\$20,214	n/a	\$20,214
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The approximate cost of performing seven stack tests from the date required to the estimated compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$85,000

TOTAL

\$20,214

Compliance History

Customer/Respondent/Owner-Operator:

CN600127468

Valero Refining-Texas, L.P.

Classification: AVERAGE

Rating: 13.04

Regulated Entity:

RN100219310

VALERO REFINING HOUSTON
REFINERY

Classification: POOR

Site Rating: 74.08

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0130C
AIR OPERATING PERMITS	PERMIT	1381
AIR OPERATING PERMITS	PERMIT	2951
POLLUTION PREVENTION PLANNING	ID NUMBER	P00524
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30520
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD053624193
AIR NEW SOURCE PERMITS	REGISTRATION	94434
AIR NEW SOURCE PERMITS	REGISTRATION	92272
AIR NEW SOURCE PERMITS	REGISTRATION	36395
AIR NEW SOURCE PERMITS	REGISTRATION	36394
AIR NEW SOURCE PERMITS	REGISTRATION	36392
AIR NEW SOURCE PERMITS	REGISTRATION	37103
AIR NEW SOURCE PERMITS	REGISTRATION	37102
AIR NEW SOURCE PERMITS	REGISTRATION	37101
AIR NEW SOURCE PERMITS	REGISTRATION	38961
AIR NEW SOURCE PERMITS	REGISTRATION	40306
AIR NEW SOURCE PERMITS	REGISTRATION	41495
AIR NEW SOURCE PERMITS	REGISTRATION	42119
AIR NEW SOURCE PERMITS	REGISTRATION	42999
AIR NEW SOURCE PERMITS	REGISTRATION	44387
AIR NEW SOURCE PERMITS	REGISTRATION	45273
AIR NEW SOURCE PERMITS	REGISTRATION	45869
AIR NEW SOURCE PERMITS	REGISTRATION	46784
AIR NEW SOURCE PERMITS	REGISTRATION	47166
AIR NEW SOURCE PERMITS	REGISTRATION	48166
AIR NEW SOURCE PERMITS	REGISTRATION	50138
AIR NEW SOURCE PERMITS	REGISTRATION	50232
AIR NEW SOURCE PERMITS	PERMIT	8483A
AIR NEW SOURCE PERMITS	PERMIT	2501A
AIR NEW SOURCE PERMITS	PERMIT	7144A
AIR NEW SOURCE PERMITS	PERMIT	7158A
AIR NEW SOURCE PERMITS	REGISTRATION	71919
AIR NEW SOURCE PERMITS	REGISTRATION	33933
AIR NEW SOURCE PERMITS	REGISTRATION	34151
AIR NEW SOURCE PERMITS	REGISTRATION	34119
AIR NEW SOURCE PERMITS	REGISTRATION	34094
AIR NEW SOURCE PERMITS	REGISTRATION	33180
AIR NEW SOURCE PERMITS	REGISTRATION	33383
AIR NEW SOURCE PERMITS	REGISTRATION	28324
AIR NEW SOURCE PERMITS	PERMIT	19637
AIR NEW SOURCE PERMITS	PERMIT	19294
AIR NEW SOURCE PERMITS	REGISTRATION	10580A
AIR NEW SOURCE PERMITS	PERMIT	2507A
AIR NEW SOURCE PERMITS	PERMIT	2498A
AIR NEW SOURCE PERMITS	REGISTRATION	10471A
AIR NEW SOURCE PERMITS	REGISTRATION	13020A
AIR NEW SOURCE PERMITS	REGISTRATION	36390
AIR NEW SOURCE PERMITS	REGISTRATION	35206
AIR NEW SOURCE PERMITS	REGISTRATION	55752
AIR NEW SOURCE PERMITS	PERMIT	48982
AIR NEW SOURCE PERMITS	REGISTRATION	75514
AIR NEW SOURCE PERMITS	AFS NUM	4820100065
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0130C
AIR NEW SOURCE PERMITS	REGISTRATION	70289
AIR NEW SOURCE PERMITS	PERMIT	71281
AIR NEW SOURCE PERMITS	REGISTRATION	50600
AIR NEW SOURCE PERMITS	REGISTRATION	54510
AIR NEW SOURCE PERMITS	REGISTRATION	56205
AIR NEW SOURCE PERMITS	REGISTRATION	54616
AIR NEW SOURCE PERMITS	REGISTRATION	71680

AIR NEW SOURCE PERMITS	REGISTRATION	54513
AIR NEW SOURCE PERMITS	REGISTRATION	73824
AIR NEW SOURCE PERMITS	REGISTRATION	73902
AIR NEW SOURCE PERMITS	REGISTRATION	73869
AIR NEW SOURCE PERMITS	REGISTRATION	74363
AIR NEW SOURCE PERMITS	REGISTRATION	76694
AIR NEW SOURCE PERMITS	REGISTRATION	78537
AIR NEW SOURCE PERMITS	REGISTRATION	78574
AIR NEW SOURCE PERMITS	PERMIT	80493
AIR NEW SOURCE PERMITS	REGISTRATION	81166
AIR NEW SOURCE PERMITS	REGISTRATION	81526
AIR NEW SOURCE PERMITS	REGISTRATION	81979
AIR NEW SOURCE PERMITS	REGISTRATION	84930
AIR NEW SOURCE PERMITS	REGISTRATION	88508
AIR NEW SOURCE PERMITS	REGISTRATION	94967
AIR NEW SOURCE PERMITS	REGISTRATION	87909
AIR NEW SOURCE PERMITS	REGISTRATION	85583
AIR NEW SOURCE PERMITS	REGISTRATION	86148
AIR NEW SOURCE PERMITS	REGISTRATION	86875
AIR NEW SOURCE PERMITS	REGISTRATION	86142
AIR NEW SOURCE PERMITS	REGISTRATION	86293
AIR NEW SOURCE PERMITS	REGISTRATION	95584
AIR NEW SOURCE PERMITS	REGISTRATION	83749
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767M2
AIR NEW SOURCE PERMITS	REGISTRATION	82694
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX767
WASTEWATER	PERMIT	WQ0000535000
WASTEWATER	EPA ID	TX0002976
STORMWATER	PERMIT	TXR05K869
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30520
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0130C

Location: 9701 MANCHESTER ST, HOUSTON, TX, 77012

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 19, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 19, 2006 to May 19, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239 - 1044

Site Compliance History Components

- Has the site been in existence and/or operation for the full five year compliance period? Yes
- Has there been a (known) change in ownership/operator of the site during the compliance period? No
- If Yes, who is the current owner/operator? N/A
- If Yes, who was/were the prior owner(s)/operator(s)? N/A
- When did the change(s) in owner or operator occur? N/A
- Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/28/2006

ADMINORDER 2006-0532-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)

Description: Valero failed to submit a separate report for each facility involved in the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 2501A, Special Condition No. 1 PERMIT
 No. 2507A, Special Condition No. 1 PERMIT
 Description: Failure to prevent an unplanned boiler shutdown resulting in unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
 Description: Failure to comply with the emissions event reporting requirements.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 2507A Special Condition No. 1 PERMIT
 No. 2501A Special Condition No. 1 PERMIT
 Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failed to submit a notification for facility that experienced a reportable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT
 Description: Exceeded permit limits during an avoidable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Permit 2501A, Special Condition 1 PERMIT
 Description: Exceeded permit limits during an avoidable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: TCEQ Air Permit No. 2507A, SC6 PERMIT
 Description: Failure to comply with TCEQ Air Permit No. 2507A, Special Condition No. 6.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT
 Description: Failure to prevent the release of unauthorized emissions during an avoidable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: TCEQ Permit 2501A, Special Condition 2 PERMIT
 Description: Exceeded opacity limit during an avoidable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: failed to prevent unauthorized emissions
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failed to prevent emissions
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failed to prevent emissions event
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failed to submit emissions reports in a timely manner.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failed to comply with permitted limits
 Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter A 7.051
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failed to prevent nuisance conditions
 Effective Date: 07/13/2007 ADMINORDER 2007-0161-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 No. 2501A, Special Condition 10B PERMIT
 Description: Failed to prevent unauthorized emissions, to operate the gas flares with a flame present at all times,
 and to maintain them in good working order.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Failed to prevent unauthorized emissions.
 Effective Date: 08/10/2007 ADMINORDER 2006-2218-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: TCEQ Air Permit No. 2501A, SC1 PERMIT
 Description: Valero exceeded SO2 permit emission limits during an avoidable emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions due to operator error.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to provide additional or more detailed information on the emissions event when requested by
 the executive director or air pollution agency with jurisdiction, within the time frame established in the request.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: No. 2501A, Special Condition 1 PERMIT
 Description: Valero exceeded SO2 permit limits during an avoidable emissions event.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Valero failed to submit a final emissions event report no later than two weeks after the end of the
 emissions event.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: Permit No. 2501A, Special Condition #1 PERMIT
 Permit No. 2507A, Special Condition #1 PERMIT
 Description: Failure to prevent unauthorized emissions through the FCC flare.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 2507A, Special Condition #6 PERMIT

Description: Failure to route acid gas to the SRU.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2501A PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.3(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 2501A, SC 1 PERMIT

Description: Failure to maintain net SO2 net ground level concentrations below the limit of 0.28 ppmv averaged over any 30-minute period.

Effective Date: 11/09/2007

ADMINORDER 2007-0604-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 2501A, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 50232 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/19/2008

ADMINORDER 2008-0014-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 71281, Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions during a November 26, 2007 emissions event (Incident No. 100464).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit the final record for the November 26, 2007 emissions event (Incident No. 100464) within 14 days after the end of the emissions event.

Effective Date: 07/03/2008

ADMINORDER 2007-1960-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 48982, Special Condition #12 PERMIT

Description: The Respondent is alleged to have failed to retrofit heaters 27BA1100, 27BA1103, 27BA1105, and 29BA1300 with burners meeting 0.06 pounds of nitrogen oxides (NOx) per million British thermal units by December 31, 2006.

Effective Date: 10/23/2008

ADMINORDER 2008-0712-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 2501A, SC 1 PERMIT

Description: Valero failed to prevent unauthorized emissions of 143.16 lbs of VOC, 73.2 lbs of carbon monoxide, 10.2 lbs of oxides of nitrogen, 6.68 lbs of hydrogen sulfide, and 609.0 lbs of sulfur dioxide during an emissions event that occurred on March 24, 2008 (Incident No. 105338) and lasted for 4 hours and 0 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 104.80 lbs of VOC, 112.770 lbs of carbon monoxide, 16.08 lbs of oxides of nitrogen, 9.60 lbs of hydrogen sulfide, and 872.62 lbs of sulfur dioxide during an emissions event that occurred on March 31, 2008 and lasted for 3 hours and 35 minutes.

Effective Date: 04/05/2009 ADMINORDER 2008-1437-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Effective Date: 07/20/2009 ADMINORDER 2009-0339-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the final report of a reportable emissions event in a timely manner.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Standard Permit PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, 1,200.00 lbs of nitrogen oxides; 302.00 lbs of carbon monoxide; 2,083.00 lbs of sulfur dioxide; and 601.00 lbs of different organic compounds (VOCs). Loss of affirmative defense due to late reporting.

Effective Date: 05/09/2010 ADMINORDER 2009-1487-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 11(i) OP
Description: Failure to comply with the emissions limitations and operations limitations, relating to three specific sources, that were established during the initial HRVOC performance tests required by 30 TAC 115.725(a)(1).

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142(1)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart QQQ 60.693-2(a)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Terms and Conditions 1A OP

Description: Failure to operate API Separator without leakage.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP
Special Condition 1A OP

Description: Failure to submit a deviation report with proper rule citation information.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/02/2006	(449745)
2	09/07/2006	(457421)
3	03/26/2007	(457476)
4	06/13/2006	(457562)
5	06/02/2006	(466664)
6	06/30/2006	(466897)

7	07/17/2006	(467191)
8	05/25/2006	(467406)
9	05/25/2006	(467410)
10	05/25/2006	(467411)
11	05/25/2006	(467413)
12	05/25/2006	(479192)
13	05/30/2006	(480185)
14	05/31/2006	(480495)
15	06/05/2006	(481197)
16	06/20/2006	(481339)
17	07/11/2006	(484212)
18	07/11/2006	(484217)
19	07/11/2006	(484218)
20	07/11/2006	(485211)
21	07/11/2006	(485431)
22	07/12/2006	(485707)
23	07/20/2006	(487229)
24	07/24/2006	(487838)
25	07/24/2006	(487951)
26	07/25/2006	(488197)
27	11/10/2006	(489514)
28	11/10/2006	(489909)
29	11/10/2006	(490256)
30	11/10/2006	(494149)
31	11/10/2006	(497338)
32	09/01/2006	(497507)
33	10/23/2006	(510591)
34	12/11/2006	(511248)
35	09/10/2007	(511304)
36	09/10/2007	(511307)
37	02/27/2007	(512312)
38	11/08/2006	(513557)
39	11/06/2006	(514699)
40	10/12/2006	(514788)
41	11/07/2006	(516134)
42	10/25/2006	(516346)
43	12/29/2006	(518678)
44	11/21/2006	(531593)
45	12/04/2006	(531849)
46	12/07/2006	(532001)
47	12/12/2006	(532173)
48	12/07/2006	(533208)
49	12/21/2006	(534112)
50	05/08/2007	(534918)
51	01/31/2007	(537333)
52	01/31/2007	(537702)
53	02/05/2007	(538081)
54	02/21/2007	(539856)

55	02/20/2007	(540176)
56	05/15/2007	(542295)
57	03/27/2007	(554074)
58	04/13/2007	(554910)
59	04/20/2007	(556275)
60	05/04/2007	(557971)
61	05/24/2007	(558983)
62	01/14/2008	(566943)
63	07/27/2007	(567340)
64	08/06/2007	(571198)
65	08/22/2007	(573220)
66	10/25/2007	(595241)
67	11/12/2007	(599655)
68	11/20/2007	(600266)
69	12/04/2007	(610822)
70	12/28/2007	(612910)
71	03/13/2008	(614793)
72	02/29/2008	(616621)
73	05/09/2008	(637174)
74	03/20/2008	(638045)
75	05/23/2008	(639669)
76	05/22/2008	(639743)
77	04/18/2008	(646376)
78	05/01/2008	(646378)
79	04/25/2008	(646406)
80	04/25/2008	(653771)
81	12/05/2008	(680116)
82	12/15/2008	(687526)
83	08/14/2008	(699940)
84	08/18/2008	(699945)
85	09/05/2008	(701193)
86	02/13/2009	(708289)
87	12/15/2008	(721478)
88	02/16/2009	(726844)
89	03/09/2009	(735657)
90	08/24/2009	(740719)
91	06/24/2009	(741061)
92	08/11/2009	(741091)
93	08/11/2009	(741118)
94	07/20/2009	(741127)
95	08/12/2010	(742039)
96	05/04/2009	(744200)
97	06/30/2010	(746498)
98	06/30/2009	(747023)
99	08/31/2009	(747447)
100	08/19/2009	(749699)
101	09/14/2009	(759275)
102	07/15/2009	(762174)

103	07/15/2009	(762202)
104	10/29/2009	(767520)
105	09/03/2009	(767802)
106	09/24/2009	(775299)
107	09/14/2009	(775528)
108	09/11/2009	(775816)
109	11/30/2009	(781553)
110	12/14/2009	(783520)
111	02/22/2010	(789352)
112	04/01/2010	(797369)
113	05/27/2010	(800683)
114	05/24/2010	(801063)
115	08/31/2010	(803066)
116	06/01/2010	(824942)
117	06/16/2010	(827092)
118	09/24/2010	(857925)
119	11/03/2010	(870195)
120	02/25/2011	(877984)
121	03/08/2011	(878062)
122	12/17/2010	(885121)
123	03/17/2011	(895911)
124	04/29/2011	(902023)
125	04/08/2011	(907446)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	09/07/2006	(457421)	
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP # O-01381, Special Condition #19 OP FOP # O-01381, Special Condition #1A OP NSR Permit 2501A, Special Condition 4E PA NSR Permit 48982, Special Condition 6E PA		
Description:	Failure to cap open-ended valves or lines.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition 3B.iv.1 OP		
Description:	Failure to perform visible observations on stationary source engines 50GG1925 and 50GG1926.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(e) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition #1A OP		
Description:	Failure to submit the required semi-annual report for gas fired engines per 30 TAC 117.219(e).		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(i) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition #19 OP FOP# O-01381, Special Condition #1A OP		

Description:	NSR Permit #2501A, Special Condition 10C PA Failure to limit visible emissions to a rate of less than 5 minutes over 2 consecutive hours.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #19 OP FOP# O-01381, Special Condition #1A OP NSR Permit #2498A, Special Condition #1 PA	
Description:	Failure to repair leaking components within 15 days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01831, Special Condition #19 OP NSR #19637, Special Condition #12A & 12B PA	
Description:	Failure to continuously monitor for NOx and CO during the 2nd quarter of 2005.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #11B OP	
Description:	Failure to operate 15 existing junction boxes with tight seals during the second quarter of 2005.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #11B OP	
Description:	Failure to repair NSPS Subpart QQQ equipment within 15 days.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart DDDDD 63.7505(e) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition #1A OP	
Description:	Failure to develop a Startup, Shutdown and Malfunction Plan (SSMP) for boilers.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #19 OP NSR Permit #19637, SC #6 PA	
Description:	Failure to meet the NSR Permit 10 ppmvd ammonia limit for Package Boiler #1.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.729(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #1.j.(i) OP	
Description:	Failure to establish the monitoring and testing parameters of 30 TAC Chapter 115.725(a)(2) by the compliance deadline of December 31, 2005.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.729(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP #O-01381, Special Condition #1.j.ii OP	
Description:	Failure to establish the written quality assurance plan of 30 TAC Chapter 115.726(a)(1) by the compliance date of December 31, 2005.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition #1A OP	
Description:	Failure to repair API Separator seal gaps within 15 days.	
Self Report?	NO	Classification: Minor

Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition #19 OP FOP# O-01381, Special Condition #1A OP NSR Permit 2501A, Special Condition #4E PA NSR Permit 48982, Special Condition #6E PA		
Description:	Failure to cap open-ended valves or lines in HAP service.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP# O-01381, Special Condition # 19 OP FOP# O-01381, Special Condition #1A OP NSR Permit 2501A, Special Condition #4E PA NSR Permit 48982, Special Condition #6E PA		
Description:	Failure to cap open-ended valves and lines in HRVOC service.		
Date:	10/12/2006 (514788)	CN600127468	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) No. 2501A, Special Condition 1 PERMIT		
Description:	Failure to prevent unauthorized emissions.		
Date:	03/27/2007 (457476)	CN600127468	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b) No. 2501A Special Condition #1 PERMIT		
Description:	Failure to submit emissions event notification in a timely manner.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)		
Description:	Failure to report an emissions event in a timely manner.		
Date:	11/20/2007 (600266)	CN600127468	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.223(a)(1) 5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Valero failed to submit a CAP in a timely manner.		
Date:	01/14/2008 (566943)	CN600127468	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 2498A, Special Condition 7E PERMIT Permit 2501A, Special Condition 4E PERMIT Permit 48982, Special Condition 6E PERMIT		
Description:	Failure to cap open-ended valves/lines.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP		
Description:	Failure to make first repair attempts to LDAR leaks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP		

	FOP O-01381, ST&C 1A OP		
	Permit 48982, Special Condition 6I PERMIT		
Description:	Failure to repair leaks within 15 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 2501A, Special Condition 10C PERMIT		
Description:	Failure to operate Flares 30FL1, 30FL2 & 30FL5 without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 3B.(i) OP Permit 2507A, Special Condition 8G PERMIT		
Description:	Failure to Operate the SRU Incinerator stack without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP FOP O-01381, ST&C 3B(i) OP Permit 2501A, Special Condition 2 PERMIT		
Description:	Failure to operate the fourth stage separator of the Tail Gas incinerator without visible emissions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) FOP O-01381, ST&C 19 OP Permit 2501A, Special Condition 20F PERMIT Permit 48982, Special Condition 5F PERMIT		
Description:	Failure to paint storage tanks the required colors.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1D OP		
Description:	Late Submittal of operating Permit Amendment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1(J)(ii) OP FOP O-01381, ST&C 1A OP		
Description:	Failure to comply with Initial HRVOC Stack Test limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP FOP O-01381, ST&C 1A OP Permit 2501A, Special Condition 10 B PERMIT		
Description:	Failure to maintain pilot lights on flares.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.219(f)(6)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		

	FOP O-01381, ST&C 1A OP		
	FOP O-01381, ST&C 9D OP		
Description:	Failure to maintain emergency engine operations records.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 19637, Special Condition 1 OP		
Description:	Failure to comply with the permitted emissions limits for carbon monoxide.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2501A, Special Condition 1 PERMIT		
Description:	Failure to comply with permitted emissions limits for nitrogen oxides.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 19 OP Permit 2507A, Special Condition 1 PERMIT		
Description:	Failure to comply with with SO2 permitted limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.132(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP		
Description:	Failure to operate the API Separator without VOC leaks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 14D OP FOP O-01381, ST&C 1A OP		
Description:	Late submittals of NOC Status Reports.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1A OP		
Description:	Failure to operate Tank 924 with leak free conditions.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(b)(2) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 11B OP FOP O-01381, ST&C 1A OP		
Description:	Leaking Sewer Junction Box seals.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.781(b)(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b) FOP O-01381, ST&C 1(J)(iv) OP FOP O-01381, ST&C 1A OP		
Description:	Failure to perform daily visual inspections of water seals.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(b)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP O-01381, ST&C 1(J)(iv) OP FOP O-01381, ST&C 1A OP		
Description:	Failure to perform fuel flow gas meter calibrations.		
Date:	08/21/2009 (749699)		CN600127468

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 106, SubChapter K 106.263(e)(3) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to record and/or maintain continuous temperature measurements to demonstrate compliance.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to maintain at least a 90% DRE during degassing operations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter F 115.545 5C THSC Chapter 382 382.085(b)		
Description:	Failure to prove use of approved test methods.		
Date:	08/31/2009 (747447)	CN600127468	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Condition 21 OP		
Description:	Failure to maintain firing rates below permitted levels on vacuum tower heaters 23BA301 and 23BA302.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP Special Condition 1A OP Special Condition 1I (iv) OP Special Condition 21 OP Special Condition 3E PERMIT Special Condition 4E PERMIT Special Condition 6E PERMIT Special Condition 7E PERMIT		
Description:	Failure to seal open ended lines in VOC service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 10A PERMIT Special Condition 1A OP Special Condition 21 OP		
Description:	Failure to maintain net heating value on flares 30FL-2 and 30FL-5 above permitted limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Condition 21 OP		
Description:	Failure to control excess emissions.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.132(a)(2) 30 TAC Chapter 115, SubChapter B 115.142(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(3) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP Special Terms and Conditions 1A OP		
Description:	Failure to operate API Separator with closed hatches.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT Special Condition 21 OP		
Description:	Failure to maintain H2S concentration limits below permitted limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 21 OP Special Condition 4 PERMIT		
Description:	Failure to maintain ROSE heater firing rates below permitted levels.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(1)(C) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP Special Condition 10A OP		
Description:	Failure to submit semi-annual CEMS report within 30 days after semi-annual period.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(10)(ii) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP Special Condition 1A OP		
Description:	Failure to notify the Agency 30 days before a tank seal inspection.		
Date:	11/20/2009 (781553)	CN600127468	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Condition 21 OP		
Description:	Failure to maintain firing rates below permitted levels on vacuum tower heaters 23BA301 and 23BA302.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 10A PERMIT Special Condition 1A OP Special Condition 21 OP		
Description:	Failure to maintain net heating value on flares 30FL-2 and 30FL-5 above permitted limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 21 OP Special Condition 4 PERMIT		
Description:	Failure to maintain ROSE heater firing rates below permitted levels.		
Date:	08/31/2010 (803066)	CN600127468	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 21 OP Spec. Cond. 9K PERMIT		
Description:	Failure to maintain firebox temperatures above permitted levels. (Category B19(g))		

(1) Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 21 OP
Spec. Cond. 9E PERMIT

Description: Failure to maintain one hour SO2 concentrations below permitted limits on Tail Gas Incinerators (TGI) 39CB2001 and 46CB6301. (Category B14 Violation.)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(5)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11A OP

Description: Failure to repair seal gaps within 15 days of discovery on API Separator 47GF5401. (Category B1 violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 21 OP
Spec. Cond. 3E PERMIT
Spec. Cond. 4E PERMIT
Spec. Cond. 6E PERMIT
Spec. Cond. 7E PERMIT

Description: Failure to seal open ended lines in VOC service. (Category C10 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
30 TAC Chapter 116, SubChapter F 116.617(b)(1)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 23B OP

Description: Failure to control excess SO2 emissions on FCCU Scrubber Stack 42CB2001. (Category B14 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond 21 OP
Spec. Cond. 1 PERMIT

Description: Failure to control excess emissions from Package Boilers. (Category B14 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-3(a)(3)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11A OP

Description: Failure to operate API Separator with closed hatches. (Category B18 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.696(d)(1)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 11A OP

Description: Failure to conduct a seal gap re-inspection on the API Separator within 60 days after installation of the primary seal. (Category B1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)(1)(i)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 1A OP

Description: Failure to conduct 5 year seal gap inspection on storage tanks. (Category B1 Violation)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 1 PERMIT Spec. Cond. 21 OP		
Description:	Failure to account for all emissions from lift station and associated tank. (Category B18 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.142 5C THSC Chapter 382 382.085(b)		
Description:	Failure to control process wastewater. (Category B14 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 2 PERMIT Spec. Cond. 21 OP		
Description:	Failure to maintain H2S concentrations below permitted limits on 22AI001. (Category B14 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) Spec. Cond. 10A PERMIT Spec. Cond. 21 OP		
Description:	Failure to maintain net heating value above 300 Btu/scf on Flare 30FL-1. (Category B19 (g)(1) violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-1(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2) 5C THSC Chapter 382 382.085(b) Spec. Cond. 11B OP		
Description:	Failure to include process sewer drains in monthly inspection program. (Category B1 violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 17B PERMIT Spec. Cond. 21 OP		
Description:	Failure to collect weekly ammonia samples from Package Boilers 81BF5601, 81BF5602, and 81BF5603. (Category B1 violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Spec. Cond. 21 OP Spec. Cond. 9I PERMIT		
Description:	Failure to conduct daily oil/water interface sampling on 45TK7402 and 45TK7403. (Category B1 violation.)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.244 5C THSC Chapter 382 382.085(b)		
Description:	Failure to conduct daily Stage 2 vapor recovery system inspections. (Category B1 violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2) 5C THSC Chapter 382 382.085(b) Spec. Cond. 10F OP		
Description:	Failure to operate CEMS continuously on 23AI201 and 42CB2001 during the reporting period. (Category C4 Violation)		

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Spec. Cond. 14 PERMIT
Spec. Cond. 21 OP

Description: Failure to maintain oxygen concentrations above the permitted limit on tail gas incinerator Unit No. 46CB6301. (Category B14 Violation)

F. Environmental audits.

Notice of Intent Date: 09/19/2007 (598153)

No DOV Associated

Notice of Intent Date: 02/26/2009 (740048)

No DOV Associated

Notice of Intent Date: 07/09/2009 (848687)

No DOV Associated

Notice of Intent Date: 02/18/2011 (905306)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING-TEXAS, L.P.
RN100219310**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0781-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petroleum refinery at 9701 Manchester Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 4, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Six Thousand Eight Hundred Eighty Dollars (\$26,880) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-One Thousand Five

Hundred Four Dollars (\$21,504) of the administrative penalty and Five Thousand Three Hundred Seventy-Six Dollars (\$5,376) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by March 25, 2011, the Respondent stack tested the following units at the Plant: the C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump engine (Emission Point Nos. ("EPNs") 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively).
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to stack test seven units for initial demonstration of compliance with 30 TEX. ADMIN. CODE ch. 117 before the deadline of March 31, 2007, in violation of 30 TEX. ADMIN. CODE §§ 117.335(e) and 117.9020(2)(C)(i) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 8, 2011. The following units were not stack tested: the A Unifier Rx Furnace, C Unifier Rx Furnace, D Unifier Rx Furnace, D Unifier Reboiler, Boilerhouse Hot Oil Heater, 90 Dock 1 Thermal Oxidizer, and WWT Pump Engine (EPNs 28BA1200, 27BA1000, 41BA101, 41BA102, 81BA25, 90CB5601, and 47GG1523, respectively).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2011-0781-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, perform the required stack test on the A Unifier Rx Furnace, EPN 28BA1200;
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.e.;
- c. Within 60 days after the the effective date of this Agreed Order, submit the compliance stack test report that includes the information required in 30 TEX. ADMIN. CODE § 117.8010 for the A Unifier Rx Furnace to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c., as described in Ordering Provision No. 2.e.; and
- e. Written certifications required by Ordering Provisions Nos. 2.b. and 2.d. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.c. The certifications shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certifications shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

D. J. O'Neil For E. Hyde
For the Executive Director

10-26-11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mark Skobel
Signature

8-18-11
Date

MARK SKOBEL
Name (Printed or typed)
Authorized Representative of
Valero Refining-Texas, L.P.

V.P. & GENERAL Mgr.
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.